REMARKS

This Amendment is being filed responsive to the January 30, 2006 Office action that was issued in connection with the above-identified patent application. Prior to entry of the above amendments, claims 1-37 were pending, with claims 1-4, 6, and 9-37 rejected and claims 5 and 7-8 withdrawn from consideration. By the above amendments, claims 1-6, 8-11, 14-27, 29-31, and 34 have been amended, claim 7 has been withdrawn, and claim 13 has been cancelled without prejudice.

As an initial matter, Applicants thank the Examiner for her time in providing such a detailed explanation of her position with respect to "adapted to" language, as well as her suggestions to make clarifying amendments to the claims to remove this language. Applicants respectfully continue to disagree with the Examiner's position regarding the weight to be given to claimed subject matter that is recited in an "adapted to" format. However, and in an effort to advance prosecution of the present application, Applicants are willing to amend the claims to use alternative language, which Applicants submit renders the present issue moot. Applicants would like to invite the Examiner to contact Applicants' undersigned attorney if the amendments made herein are not believed to be sufficient to overcome this formal issue.

In the Office action, claims 1-4, 6, and 9-37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. On page 3 of the Office action, considerable discussion is made of Applicants' use of "adapted to." It appears that Applicants and the Examiner generally agree that the present application discloses patentable subject matter. However, it also appears that Applicants and the Examiner disagree about the weight to be given to the functional language recited in many of the pending claims. Applicants

appreciate the Examiner's time and effort explaining the Examiner's position regarding to use of "adapted to" in the pending claims. Applicants have considered the expressed opinion, but continue to believe that the recited language is proper language that should be given patentable weight. Accordingly, Applicants respectfully traverse the Section 112 rejections made due to Applicants' use of "adapted to." However, in an effort to resolve this matter (especially given the significant years that the present application has been pending), Applicants have made clarifying amendments to claims 1-6, 8-11, 14-27, 29-31, and 34 to remove use of "adapted to" in these claims.

Claim 1 stands rejected as being indefinite because the term "volatile carbon-containing feedstock" lacks antecedent basis in view of the preamble of the claim referring to a volatile feedstock delivery system. Applicants respectfully request reconsideration of this rejection, as the term "volatile carbon-containing feedstock" is introduced in line 4 of the claims as being "a volatile carbon-containing feedstock," and because the preamble of the claims "A fuel processing system, comprising" neither refers to nor excludes the volatile carbon-containing feedstock introduced in line 4 of the claims. However, Applicants recognize that line 2 of the claim recites "a volatile feedstock delivery system." While Applicants submit that it is not improper or indefinite to recite a volatile feedstock delivery system that is adapted to deliver a volatile carbon-containing feedstock, Applicants are willing to make a clarifying amendment to the claim to resolve this matter. Specifically, in claim 1 the term "volatile feedstock delivery system" has been amended to be "volatile carbon-containing feedstock delivery system." In view of this clarifying amendment, Applicants submit that this rejection to claim 1 is addressed and overcome.

Claim 1 also stands rejected for omitting an essential element, namely, a supply of volatile feedstock in operative connection with the plurality of heated reservoirs. Applicants respectfully traverse this rejection, as the supply of volatile carbon-containing feedstock is not essential to claim 1. The system of claim 1 needs to be configured, or adapted, to receive a volume of volatile carbon-containing feedstock, such as with the system being in communication with a supply of the volatile carbon-containing feedstock, but the supply itself is not required to be positively recited as a portion of the fuel processing system. For example, some fuel processing systems within the scope of claim 1 may be in communication with an existing supply, such as a public or private utility or other supply, while other fuel processing systems within the scope of claim 1 may be associated with or even contain a localized supply of the volatile carbon-containing feedstock. This is consistent with the specification, which discusses both of these systems as being within the scope of the present disclosure. For example, the paragraph beginning on page 7, line 15, of the specification is reproduced below for the Examiner's reference:

> As shown in Fig. 3, system 34 includes a volatile feedstock supply assembly 35 that provides a source of a volatile, carbon-containing feedstock for use in delivery system 34. Supply assembly is shown including a primary reservoir 38 that is charged with a volume of a volatile carbon-containing feedstock 44, such as those described above. Reservoir 38 may be recharged through any suitable mechanism, including refill by a supply line 36 connected to an external source, by replacement with a full reservoir, and by delivery of a volume of feedstock to refill the reservoir. It is within the scope of the invention that delivery system 34 may be implemented without reservoir 38, such as when the delivery system is in communication with an external supply of feedstock.

In view of the clarification, Applicants request reconsideration and withdrawal of the Section 112 rejection of claim 1 relating to the supply assembly. Applicants agree

with the Examiner that the supply, or specifically, a supply assembly, is recited in claim 10. However, and in view of the above language from the present specification, Applicants submit that this recitation in only a dependent claim is consistent with the specification and scope of the present disclosure. In other words, the supply assembly recited in claim 10 is not a required element that must be present in every embodiment of a fuel processing assembly according to claim 1. Claim 1 recites a fuel processing system and a volatile carbon-containing feedstock delivery system. In some embodiments, the supply of feedstock for the delivery system forms a portion of the delivery system, while in other embodiments the supply is in communication with the delivery system but is not required to be a portion of the delivery system itself and/or the fuel processing system itself.

As a final formal matter relating to claim 1, Applicants note that the Examiner proposed on page 5 of the Office action an amended version of claim 1 that would overcome the Section 112 matters raised by the Examiner. Applicants sincerely thank the Examiner for her time and effort preparing this proposed amended version of claim 1. Applicants have amended claim 1 in view of the Examiner's proposals, which have been substantially adopted. In view of these amendments, as well as the considerable "adapted to" amendments that were discussed above, Applicants hereby request a telephone interview with the Examiner if all Section 112 and other formal rejections are not overcome by this fourth Office action response for the present application.

Claim 3 depends from claim 2 and recites that the heating assembly is adapted to apportion the heated fluid stream between the plurality of reservoirs. Claim 3 stands rejected as being indefinite because the feedstock is heated in the reservoirs, and

therefore is not delivered as a heated fluid stream to the reservoirs. Applicants thank the Examiner for her time identifying portions of the specification that discuss the delivery of the heated volatile carbon-containing feedstock from the reservoirs. However, in the pending claims, the heated stream containing volatile carbon-containing feedstock that is drawn from the plurality of reservoirs is referred to as a "heated output stream," while the heated fluid stream is introduced in claim 2 and refers to a stream that is used to heat the reservoirs via heat exchange. In view of this clarification, Applicants request reconsideration and withdrawal of the Section 112 rejection of claim 3.

Claims 10 and 13 stand rejected as being substantial duplicates of each other. Applicants thank the Examiner for pointing out the similarity between these pending claims. To resolve this Section 112 objection to claims 10 and 13, claim 13 has been cancelled without prejudice, and claim 14 has been amended to depend from claim 11.

Claims 1-4, 5, and 9-37 stand rejected under 35 U.S.C. § 103 as being obvious over Swenson in view of Edlund '113. Applicants have studied the cited references and respectfully traverse the obviousness rejections based on the proposed combination of these cited references. However, and as correctly anticipated by the Examiner in the Office action, Edlund '113 is not a proper Section 103 reference because Edlund '113 and the present application were at the time the invention was made, "owned by the same person or subject to an obligation of assignment to the same person." Specifically, as indicated on the face of Edlund '113 (and in the USPTO assignment records at Reel 9675, Frame 0049), this patent is assigned to IdaTech, LLC. Applicants hereby submit that they were, at the time the claimed invention was made, under an obligation to assign the invention to IdaTech, LLC. Such assignment was made, and is recorded in the

USPTO assignment records at Reel 011010, Frame 0972). See *Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. § 103(c)*, available at <http://www.uspto.gov/web/offices/com/sol/og/2000/week52/patcommn.htm>. In view of the above, Applicants submit that the Section 103 rejections made in the fourth Office action should be withdrawn. Upon withdrawal of the Section 103 rejections, none of the claims are rejected based on any prior art reference and allowance of all presently pending claims is hereby requested.

In view of the above, Applicants submit that all of the issues raised in the fourth Office action have been addressed and overcome. If there are any remaining issues or if the Examiner has any questions, Applicants hereby request a telephone interview with Applicants' undersigned attorney, who may be reached at the number listed below.

Respectfully submitted,

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